

## IDEM's Additional Suggested Amendment Language to the Amendments of Rules at 328 IAC 1 and 328 IAC 2

Key:

“ ” = affected text

**Bold** = Suggested new text since preliminary adoption

~~Strikeout~~ = Suggested deleted text since preliminary adoption

| 328 IAC:    | Change Number | Description of Change  |
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| 1-1-4       | 1.            | Delete “ <del>to be paid by</del> ”; rephrase “ <b>A person applying to the fund under 328 IAC 1-3-1 must provide evidence of payment of the deductible amount under IC 13-23-8-4(a)(3).</b> ”   |
| 1-1-10      | 2.            | Delete “ <del>personal</del> ”; undelete original “bodily”.  |
| 1-2-1       | 3.            | Add after “releases: “ <b>except as specified below:</b><br><b>(1) 328 IAC 1-3-4(b) applies to any one site, upon which:</b><br><b>(a) an occurrence has not been reported to the department, or</b><br><b>(b) the corrective action has not been completed as of the effective date of this rule.</b><br><b>(2) Reimbursable expenditures, as set forth in 328 IAC 1-3-5, shall be determined as of the date the expenses were initially incurred by the applicant to the fund.</b> ” |
| 1-3-1(a)(1) | 4.            | Add after “operators” “ <b>including transferees as described in IC 13-23-8-4.</b> ”   |
| 1-3-3(a)(3) | 5.            | Add after “interest” “ <b>and penalties.</b> ”   |
| 1-3-3(f)(3) | 6.            | Delete “ <del>Within thirty (30) days after the purchaser's acquisition of the UST identified in the Form,</del> ”; add after “subsection (g)” “ <b>prior to an occurrence.</b> ”  |
| 1-3-4(a)    | 7.            | Add “ <b>After payment of the applicable deductible amount,</b> ”  |

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| 1-3-4(b)     | 8.  | Delete “ <del>one</del> ” and “( <del>\$1,000,000</del> )”; add “ <b>two</b> ” and “( <b>\$2,000,000</b> )”. Delete “ <del>less the applicable deductible amount.</del> ” Add after “may be” “ <b>reimbursed for.</b> ” Delete “ <del>to.</del> ”  |
| 1-3-5(a)(7)  | 9.  | Delete “ <b>fifteen</b> ” and “( <b>15%</b> )”; add “ <b>twenty-five</b> ” and “( <b>25%</b> )”.   |
| 1-3-5(b)(12) | 10. | Delete “ <del>one thousand (1,000) cubic yards;</del> add “ <b>one thousand-five hundred tons (1,500)</b> ”.   |
| 1-3-5(c)     | 11. | Add after the first sentence, “ <b>The test methods referenced in the most recent edition of the “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” SW-846, Third Edition (November 1986) as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), and III (December 1996) should be followed when sampling. Publication SW 846 is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.</b> ”  |
| 1-3-5(c)     | 12. | <p>Under SITE INVESTIGATIONS, delete the following:</p> <p>-“<del>Monitoring wells</del>”</p> <p>-“<del>Installation, including labor for completing soil boring as a monitoring well, surveying, and well development. Add to the cost of materials. \$175 per well</del>”.</p> <p>-“<del>Sampling, including on-site labor for site preparation, decontamination, sampling, and the cost for dispensable equipment such as ropes and plastic sheeting. Lab analyses, reports, mileage, per diem, and travel are separate.</del>”</p> <p>-“<del>Bail and sample \$50 per well</del>”.</p> <p>-“<del>Check and record water Add \$5 per well</del>”.</p> |

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| 1-3-5(c) | 13. | Under "Soil analysis", after <b>TPH-418.1</b> , delete " <b>\$75</b> "; add " <b>\$100</b> ".   |
| 1-3-5(c) | 14. | Under "Soil analysis", after <b>SVOC-8270</b> , delete " <b>\$185</b> "; add " <b>\$325</b> ".  |
| 1-3-5(c) | 15. | Under "Soil analysis", after <b>BTEX/MTBE</b> , delete " <b>8020</b> ".   |
| 1-3-5(c) | 16. | Under "Water analysis", after <b>BTEX/MTBE</b> , delete " <b>8020</b> ".  |
| 1-3-5(c) | 17. | Under "Water analysis", after <b>SVOC-8270</b> , delete " <b>\$275</b> "; add " <b>\$325</b> ".   |
| 1-3-5(c) | 18. | After "Mileage", add category " <b>Lodging</b> "; delete " <del>Travel accommodations. Luxury and resort accommodations not reimbursable.</del> "<br>Delete " <del>\$79 per day/plus tax</del> "; add " <b>current state rate</b> ".<br>After Per diem category, delete " <del>\$26 per day</del> "; add " <b>current state rate</b> ". |
| 1-3-5(c) | 19. | Under "INITIAL ABATEMENT AND FREE PRODUCT REMOVAL", delete " <del>Air monitoring \$50 per day</del> ".  |
| 1-3-5(c) | 20. | Under the category SITE SET-UP PREPARATION, utility check, delete \$200; add <b>\$400</b> .   |
| 1-3-5(c) | 21. | After the category APPROVED TECHNOLOGIES, add " <b>three</b> " before (3).<br>Add the sentence: " <b>If the claimant can provide sufficient technical justification for the selection of another bid, the corrective action costs associated with the higher bid will be reimbursed.</b> "  |
| 1-3-5(c) | 22. | After the category SITE RESTORATION/ Backfill hauling, delete " <del>\$10.00</del> "; add " <b>\$13.00</b> ".   |
| 1-3-5(c) | 23. | In the category "Equipment rental", add " <b>not an inclusive list</b> ".   |

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| 1-3-5(c)       | 24. | In the category “Equipment rental, add<br>“ <b>Direct push technology \$1,200 per day;<br/>\$750 per 1/2 day</b> ”.   |
| 1-3-5(c)       | 25. | In the category “Equipment rental”, add<br>“ <b>Portable generator, generator <math>\leq</math> 10kW<br/>\$100</b> ”.   |
| 1-3-5(c)       | 26. | In the category “Equipment rental”, add<br>“ <b>Portable generator, generator <math>\geq</math> 10kW<br/>\$125</b> ”.   |
| 1-5-1(d)(1)    | 27. | Delete “ <del>the deductible amount applicable<br/>to the incident number</del> ”; add “ <b>may be<br/>submitted for any amount, including<br/>\$0/eligibility pre-approval claims.</b> ” |
| 1-5-1(d)(2)(C) | 28. | Delete “ <del>six (6)</del> ”; add “ <b>four (4)</b> ”.   |
| 1-6-2(d)       | 29. | Delete “ <del>costs associated with obtaining<br/>necessary</del> ”; add “ <b>fees or compensation<br/>paid to obtain</b> ”.  |
| 1-6-2(d)(1)    | 30. | Delete “ <del>and</del> ”.  |
| 1-6-2(d)(2)    | 31. | Change the punctuation from . to ; add “ <b>or</b> ”<br>Add a subdivision (3) to read:<br>“ <b>(3) subdivisions (1) and (2).</b> ”  |